REMARKS

Initially, Applicant notes that the remarks made by this paper are consistent with the proposals presented to the Examiner during the telephonic interview of April 10, 2008.

By this paper, no claims have been amended, canceled, or added, such that claims 1-31 remain pending. Of the remaining claims, 1, 10, 13, and 24 are the only independent claims at issue.

The Final Office Action, mailed December 20, 2007, considered and rejected claims 1-31. Claims 1-4, 9-15, 20-22, 24-26, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brook (U.S. Patent Pub. 2002/0038320), hereinafter Brook, in view of Lim et al. (U.S. 2004/0064826), hereinafter Lim. Claims 5-8, 16-19, 23, and 27-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brook and Lim in view of Seyrat (U.S. 2004/0054692), hereinafter Seyrat.

As discussed in the interview, the pending claims are generally directed to embodiments for determining the equivalence of XML schema types. Claim 1, for example, recites a method wherein at least two XML schema types are identifies with each of the schema types having at least one schema component capable of being presented in different equivalent schema types. Each of the identified schema types is then normalized and the resulting normalized schema types are compared for equivalence.

The remaining independent claims are closely related to claim 1. Claim 13 recites a method similar to the method of claim 1 using acts rather than steps, while claims 13 and 24 are directed to computer product corresponding to the methods of claims 1 and 13, respectively.

It will be noted that all of the claims were rejected, at least in part, with reliance on Brook in view of Lim. Brook teaches a method of parsing a markup language document comprising syntactic elements. In Brook, a type of element is identified and then a hash representation of the element is determined if the element is of a first type. A partial structural representation of the document is then augmented using the hash representation if the type is the first type. Lim teaches an XML schema being input into an object generator, which then normalizes to provide an internally standardized representation of the data model.

Applicant respectfully submits that while the cited art relates to XML and/or markup language documents, the cited art fails to teach, suggest or reasonably support all of the claim elements. For example, at a minimum, the cited art fails to teach, suggest, or fairly support at

least identifying at least two schema types for which equivalence is to be determined, and a step for determining equivalence. For at least these reasons, Applicant respectfully submits that the combination of Brook and Lim fail to teach the all of the elements of the present claims.

As discussed in the phone interview, Brook fails to teach, suggest, or support the elements of the claims because Brook is not directed to identifying at least 2 **schema** types. Instead, Brook is identifying **element** types. As discussed on page 9 of the application as originally filed, a schema type is a portion of an XML schema that is used to create a class for subsequent application to XML data. This is contrasted with a component, as described on page 9, which is used in relation to the definitional component of a schema type and can include **elements**. Therefore, a schema type can include elements, but an element is not itself a schema type. Indeed, different schema types could potentially have the same element types.

Figure 1 of the Application can be used to demonstrate the difference between a schema type and an element type. As shown in the figure, item 110 corresponds to the schema type. It includes all of the components and the manner in which the components are formatted. The individual elements contained within the schema type have a type as well, such as element 170, which is of the type "string". As can be seen from the figure, the element type is not related to or necessarily dependent upon the schema type. The element type refers to a type of a data, while the schema type refers to the formatting of the underlying data. They do not correspond to one another; an element type could never describe a schema type. Without a specific reference to a schema type as recited in combination with the other claim elements, Applicant respectfully submits that the cited art fails to render the present claims obvious.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required reason as to

why one of ordinary skill in the art would have modified the cited art in the manner officially noticed.[1]

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 1st day of May, 2008.

Respectfully submitted,

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.